IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 7865 of 2005

Between:

M/s Venkat Sainath Granites Exports Pvt.Ltd., Chinna Pendyal Village, Station Ghanpur Mandal, Warangal District, rep. by its Managing Director Ch.L.N.Sesh Sai, S/o.Ch.R.K.Sesha Rao, R/o.Chinna Pendyal Village, Station Ghanpur Mandal, Warangal District.

... PETITIONER

AND

1 The Asst.Provident Fund Commissioner, Employees Provident Fund Organisation, Sub Regional Office, Balasamudram, Hanamkonda, Warangal District.
2 The Recovery Officer, Employees Provident Fund Organisation
APSFC Building, Balasamudram Hanamkonda, Warangal District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of writ of Mandamus declaring the action of the respondents in seizing the movable properties from the plant of the petitioner under panchanama Dt.31.3.2005 for non payment of provident Fund Contributions to the tune of Rs.95.226/- with interest, determined under Proceedings Dt.27.4.2004 in No.AP/SRO/WG/ENF/26509/8B/2004-05/99 as illegal and arbitrary.

Counsel for the Petitioner: MR.A.PRABHAKAR RAO

Counsel for the Respondents: MR.R.N.REDDY

The Court at the stage of admission made the following:

ORDER:

This writ petition is filed seeking Writ of Mandamus declaring the action of the respondents in seizing the movable properties from the plant of the petitioner under panchanama dated
31-03-2005 for non payment of Provident Fund Contributions to the tune of Rs.95,226/- with interest as determined under the proceedings dated 27-04-2004 as arbitrary and illegal.

The petitioner states that due to unhealthy competition in the market and due to breakdown of the machinery he sustained huge losses and that apart since the movables of the plant are seized by the respondents, he is unable to run the plant and is not in a position to pay the amounts due to the respondents in lumpsum.

The learned counsel for the petitioner submits that the petitioner is ready to pay the amounts due, in monthly installments and having regard to the facts and circumstances it is a fit case for granting such relief.

Learned standing counsel appearing for the respondents has not opposed the same.

In view of the submissions made by the learned counsel appearing for both the parties, the writ petition is disposed of directing the petitioner to pay the amount determined to be due towards Provident Fund Contributions for the period from October, 1989 to October, 2003, after adjusting the amount already paid, in five

equal monthly installments commencing from May, 2005. It is made clear that first installment shall be paid on or before 10th May, 2005 and the petitioner shall continue to pay the further installments on or before 10th of every month. In default, it is open to the respondents to proceed further and recover the amount due in lumpsum, in accordance with law. It is also made clear that on payment of the first installment, the respondents shall release the movable properties that were seized under panchanama dated 31-03-2005.

The Writ Petition is accordingly disposed of. No order as to costs.

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G. ROHINI, J

Dated: 12-04-2005

LSK

ASSISTANT REGISTRAR

To

1 The Asst.Provident Fund Commissioner, Employees Provident Fund Organisation, Sub Regional Office, Balasamudram, Hanamkonda, Warangal District.

2 The Recovery Officer, Employees Provident Fund Organisation
APSFC Building, Balasamudram Hanamkonda, Warangal District.

3 Two C.D. copies.